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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,924	08/31/2001	Philip Bravin	05408.00001	8939

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EXAMINER

VO, HUYEN X

ART UNIT PAPER NUMBER

2655

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,924	BRAVIN ET AL.	
	Examiner	Art Unit	
	Huyen Vo	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-40 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 31 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/28/03 & 2/28/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Watson et al. (US Patent No. 6570963).
3. Regarding claim 1, Watson et al. disclose that in a telecommunications network, a video relay system for facilitating communications between a deaf party and a hearing party, the video relay system having an interpreter, comprising: a video server unit for receiving and recording a sign language message (*figure 1 or referring to col. 5-6*); and a video processing unit being operatively coupled to the video server unit, the video processing unit for displaying the recorded sign language message to the interpreter so as to translate the recorded sign language message to an audio message for later transmission to the hearing party (*figures 1 and/or 3*).

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4. Regarding claims 2 and 5-6, Watson et al. further disclose a system of claim 1, further comprising a server for routing the sign language message to the video server (*col. 6, ln. 1-32*), a profile file processor for providing a subscriber profile of the deaf party (*col. 6, ln. 34-56, the CDR Server inherently include the profile of the subscriber so that call records can be tracked*), and wherein the video server unit includes a computer readable medium for storing the sign language message (*inherently included in the computer system 110 and 111 in figure 1*).

5. Claims 13-16, 19, 23, 25, 28-29, 31, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Liebermann (US Patent No. 5982853).

6. Regarding claim 13, Liebermann discloses a method of remote video interpreting using a relay system to facilitate communications between a deaf party using a video communication platform and a hearing-party using an audio telephony platform, the relay system having a plurality of interpreters, the method of remote interpreting comprising the steps of:

receiving, at the relay system, a request for a network connection to the hearing-party from the deaf party (*figure 4, inherently included in a telecommunication system*); retrieving a predetermined profile for the deaf party in which the predetermined profile includes at least a language preference (*col. 11, ln. 52-67 or referring to Foreign Language Flag unit in figure 15*); responsive to the step of retrieving, prompting the

deaf party corresponding to the language preference for a network address linked to the audio telephony platform (*the operation of figure 4*);

establishing the network connection to the network address having the audio telephony platform of the hearing-party (*the operation of figure 4*); the relay system receiving a real-time sign language input from the video communications platform of the deaf party (*referring to figures 1 and 3*); formatting the real-time sign language input directly into spoken words while relaying, via the network connection from the relay system, the spoken words to the hearing-party that corresponds to the formatted real-time sign language input from the deaf party (*the operation of figure 1 or 3*).

7. Regarding claim 19, Liebermann discloses a remote video interpreting system to facilitate communications between a deaf party and a hearing party, comprising:

a video communication platform for displaying and receiving real-time sign language data via a first relay link (*figures 1 and/or 3*);

a relay center being connected to the first relay link and a second relay link, the first relay link for receiving the sign language data so that the real-time sign language data can be converted into a spoken message, and the second relay link for transmitting the spoken message to an audio telephony platform, and the relay center having an interpreter that receives the real-time sign language (*figures 1 and/or 3*); and

a video storage processor coupled to the relay center, the video storage processor for storing the real-time sign language data (*figures 1 and/or 3, the Center*

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inherently includes memory buffer for storing video images of the sign language for processing and analysis).

8. Regarding claim 28, Liebermann discloses a remote video interpreting system to facilitate communications between a deaf party and a hearing party, comprising:

a video communication platform for displaying and receiving real-time sign language data via a first relay link (*figures 1 and/or 3*);

a relay center being connected to the first relay link and a second relay link, the first relay link for receiving the sign language data so that the real-time sign language data can be converted into a spoken message, and the second relay link for transmitting the spoken message to an audio telephony platform, and the relay center having an interpreter that receives the real-time sign language (*figures 1 and/or 3*); and

a profile server coupled to the relay center, the profile server for providing a subscriber profile of the deaf party (*figure 10, the Training Control Center unit allows user the initially train the system and build user's profile*).

9. Regarding claim 36, Liebermann discloses a method of remote video interpreting using a relay system to facilitate communications between a deaf party using a video communication platform and a hearing-party using an audio telephony platform, the relay system having a plurality of interpreters, the method of remote interpreting comprising the steps of:

receiving, at the relay system, a request for a network connection to the deaf party from the hearing party (*figure 4, inherently included in a telecommunication system*); retrieving a predetermined profile for the deaf party in which the predetermined profile includes at least a language preference (*col. 11, ln. 52-67 or referring to Foreign Language Flag unit in figure 15*);

responsive to the step of retrieving, prompting the hearing party for a network address linked to the video communication platform (*the operation of figure 4*); establishing the network connection to the network address (*the operation of figure 4*); the relay system receiving a real-time audio input from the hearing party from the audio telephony platform (*referring to figures 1 and 3*); and relaying, via the network connection from the relay system, the audio input to the deaf party in sign language (*referring to figures 1 and 3*).

10. Regarding claims 14-16 and 37-38, Liebermann further disclose a method of claims 13 and 36, wherein the step of receiving a request, further comprises the step of receiving the request in a videophone call (*figures 3-4*), the step of receiving an identity function code so that the hearing party can hear a synthesized voice corresponding to pre-selected voice profile (*Foreign Language Flag unit in figure 15 or referring to col. 11, ln. 52-67*), wherein the step of relaying further comprises the step of generating a synthesized voice identity corresponding to the deaf party (*col. 11, ln. 1-67, the emotional expression of the deaf user is analyzed and included in the synthesized speech*), and wherein the step of retrieving the subscriber profile includes accessing a

database including at least one of a previous network address and a linked language preference (*col. 11, ln. 52-67 and/or figure 15, determining a foreign language and use appropriate signing language models*).

11. Regarding claims 23 and 29, Liebermann further discloses the system of claims 19 and 28, wherein the audio telephony platform is a personal computer equipped with a voice modem and/or a wireless phone (*figures 5A and 6*).

12. Regarding claims 25 and 31, Liebermann further discloses the system of claims 19 and 28, wherein the video communication platform further comprises a memory for storing an identity code for transmission through the first relay link to the relay center, the identity code causing the relay center to transmit a synthesized voice through the second relay link corresponding to a pre-selected voice profile (*col. 6, ln. 40 to col. 7, ln. 9 or referring to figure 4*).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 20-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebermann (US Patent No. 5982853).

15. Regarding claim 20-22 and 24, Liebermann fails to specifically disclose the system of claim 19, wherein the first relay link further comprises a digital communication protocol and the second relay link further comprises a telephone network, wherein the first relay link further comprises an Internet protocol link and the second relay link further comprises a telephone network, wherein the first relay link further comprises a satellite network link and the second relay link further comprises an internet protocol link, wherein the first relay link and the second relay link both further comprises an Internet protocol link. However, the examiner takes official notice that different communication arrangements claimed above is well known to a person of ordinary skill in the art. The advantage of using these communication arrangements is to optimize any communication limitations that may impose on different types of communication.

16. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson et al. (US Patent No. 6570963) in view of Brunson et al. (US Patent No. 5760823).

17. Regarding claim 3, Watson et al. fail to specifically disclose the system of claim 1, further comprising a voice mail unit for receiving the audio message and transmitting the audio message to the hearing party responsive to receiving an access signal.

However, Brunson et al. teach a voice mail unit for receiving the audio message and transmitting the audio message to the hearing party responsive to receiving an access signal (*col. 6, ln. 44-67*).

Since Watson et al. and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Watson et al. by incorporating the teaching of Brunson et al. in order to enable the called party to retrieve and listen to messages left from missed calls.

18. Regarding claim 4, Watson et al. further disclose the system of claim 1, further comprising an audio processing platform for the interpreter to transmit the audio message to the hearing party (*col. 5, ln. 1 to col. 6, ln. 67*), but fail to specifically disclose that the audio message is sent to the hearing party responsive to a request from the hearing party. However, Brunson et al. disclose the step of sending the audio message to the hearing party responsive to a request from the hearing party (*col. 6, ln. 44-67*).

Since Watson et al. and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Watson et al. by incorporating the teaching of Brunson et al. in order to enable the called party to retrieve and listen to messages left from missed calls.

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19. Claims 7-12, 17, 30, 34-35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebermann (US Patent No. 5982853) in view of Brunson et al. (US Patent No. 5760823).

20. Regarding claim 7, Liebermann discloses that in a relay system, a method of facilitating communications between a calling party and a called party using an interpreter, the method comprising the steps of: receiving a request from the calling party for communicating with the called party (*col. 5, ln. 62 to col. 6, ln. 14, inherently included in a communication system*); receiving sign language captured by a video camera and processed the captured images into manageable identifiers (*col. 4, ln. 60-67*); transmitting these identifiers to the central processing facility, at which the content of the captured images is translated into synthesized speech (*col. 5, ln. 1-13*); and the synthesized speech is transmitted to the normal end user of the telephone device (*col. 5, ln. 1-13*).

Liebermann fails to specifically disclose the steps of attempting to establish communications with the called party and receiving an unavailable status of the called party; responsive to receiving the unavailable status, receiving at least one of a sign language message for storage in a video storage device and an audio message for storage in a voice mail device corresponding to a message mode identifier; and relaying the at least one of the sign language message and the audio message to the called party responsive to receiving the message mode identifier.

However, Brunson et al. teach the steps of attempting to establish communications with the called party and receiving an unavailable status of the called party (*col. 6, ln. 44-67*); responsive to receiving the unavailable status, receiving at least one of a video message for storage in a video storage device and an audio message for storage in a voice mail device corresponding to a message mode identifier (*col. 6, ln. 44-67*); and relaying the at least one of the video message and the audio message to the called party responsive to receiving the message mode identifier (*col. 6, ln. 44-67*).

Since Liebermann and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Liebermann by incorporating the teaching of Brunson et al. in order to store the video message for the called party to retrieve at a later time.

21. Regarding claim 8, Liebermann further disclose a method of claim 7, wherein the sign language is interpreted and translated into normal speech and transmitted to the called party (*figures 1 and/or 3*), but fails to specifically disclose the step of accessing the video storage device so as to retrieve the sign language message for interpreting. However, Brunson et al. further teach the step of accessing the video storage device so as to retrieve the sign language message (*col. 6, ln. 44-67*).

Since Liebermann and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Liebermann by incorporating the teaching of

Brunson et al. in order to store the video message for the called party user to retrieve at a later time.

22. Regarding claims 9-10, Liebermann fails to disclose the method of claim 7, wherein the step relaying the audio message includes the step of connecting the called party to the video mail device, and to the video storage device. However, Brunson et al. further teach the step relaying the audio message includes the step of connecting the called party to the video mail device, and to the video storage device (*col. 8, ln. 46 to col. 9, ln. 25*).

Since Liebermann and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Liebermann by incorporating the teaching of Brunson et al. in order to enable the called party to retrieve video messages.

23. Regarding claim 11, Liebermann further disclose the method of claim 7, wherein the step of receiving the audio message includes the steps of translating sign language data received from the called party into the audio message (*figures 1 and/or 3*).

24. Regarding claim 12, Liebermann fails to specifically disclose the method of claim 7, further comprising the step of transmitting the message mode identifier to the called party. However, Brunson et al. further teach the step of transmitting the message mode identifier to the called party (*figure 11*).

Since Liebermann and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Liebermann by incorporating the teaching of Brunson et al. in order to alert the called party of new video messages.

25. Regarding claims 17, 30, and 39, Liebermann fails to disclose the method and system of claims 13, 28, and 36, further comprising the step of receiving the request in a web page connected to the World-Wide-Web, and a web server coupled the first relay link. However, Brunson et al. teach the step of receiving the request in a web page connected to the World-Wide-Web (*figure 1, LAN 100*), and a web server coupled the first relay link (*figure 1, LAN 100*).

Since Liebermann and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Liebermann by incorporating the teaching of Brunson et al. in order to provide communication between two computers via Internet.

26. Regarding claim 34, Liebermann discloses that in a relay system, a method of facilitating communications between a calling party and a called party using an interpreter, the method comprising the steps of: receiving a request from the calling party for communicating with the called party (*col. 5, ln. 62 to col. 6, ln. 14, inherently included in a communication system*); receiving sign language captured by a video camera and processed the captured images into manageable identifiers (*col. 4, ln. 60-*

67); transmitting these identifiers to the central processing facility, at which the content of the captured images is translated into synthesized speech (*col. 5, ln. 1-13*); and the synthesized speech is transmitted to the normal end user of the telephone device (*col. 5, ln. 1-13*).

Liebermann fails to specifically disclose the steps of receiving a request from the calling party for communicating with the called party; attempting to establish communications with the called party and receiving an unavailable status of the called party; responsive to receiving the unavailable status, storing a sign language message in a video storage device; transmitting a message waiting signal to the called party; and connecting the called party to the video storage device so as to view the sign language message.

However, Brunson et al. teach the steps of attempting to establish communications with the called party and receiving an unavailable status of the called party (*col. 6, ln. 44-67*); responsive to receiving the unavailable status, storing a video message in a video storage device (*col. 6, ln. 44-67*); transmitting a message waiting signal to the called party (*figure 11, New Mail indication*); and connecting the called party to the video storage device so as to view the video message (*col. 8, ln. 46 to col. 9, ln. 25*).

Since Liebermann and Brunson et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Liebermann by incorporating the teaching of

Brunson et al. in order to store the video message for the called party to retrieve at a later time.

27. Regarding claim 35, Liebermann et al. further discloses the method of claim 34, wherein the step of storing the sign language message includes the steps of receiving audio data from the calling party, and translating the audio data into the sign language message (*figures 1 and/or 3*).

28. Claims 18, 26-27, 32-33, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebermann (US Patent No. 5982853) in view of Ohki et al. (US Patent No. 6181778).

29. Regarding claims 26-27 and 32-33, Liebermann fails to specifically disclose the system of claims 19 and 28, wherein the relay center retains a predetermined identity code established by the deaf party so that the audio telephony platform receives the spoken message in a synthesized voice corresponding to a predetermined digital voice profile, and wherein the predetermined digital voice profile is voice imprint of the deaf party. However, Ohki et al. teach that the relay center retains a predetermined identity code established by the deaf party so that the audio telephony platform receives the spoken message in a synthesized voice corresponding to a predetermined digital voice profile (*col. 19, ln. 35-46 or figure 19*), and wherein the predetermined digital voice profile is voice imprint of the deaf party (*col. 19, ln. 35-46 or figure 19*).

Since Liebermann and Ohki et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Liebermann by incorporating the teaching of Ohki et al. in order to give called party a feeling of whom the called party talks to based on the characteristics of the synthesized voice so that proper conversation can be carried out.

30. Regarding claims 18 and 40, Liebermann fails to disclose the method of claims 13 and 36, wherein the step of retrieving the subscriber profile includes accessing a database including at least one of a previous network address and a linked language preference. However, Ohki et al. teach the step of retrieving the subscriber profile includes accessing a database including at least one of a previous network address and a linked language preference (*col. 19, ln. 47 to col. 20, ln. 10*).

Since Liebermann and Ohki et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Liebermann by incorporating the teaching of Ohki et al. in order to enable people speaking different languages to communicate with each other.

Conclusion

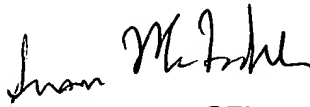
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Huyen X. Vo

December 1, 2004


SUSAN MCFADDEN
PRIMARY EXAMINER